

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE,

v.

KENDALL SMITH,

Defendant.

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I.D. No. 1103018874

ORDER

On this 20th day of July, 2023, upon consideration of Defendant, Kendall Smith's ("Defendant") Motion for Modification of Sentence (the "Motion"),¹ the sentence imposed upon Defendant, and the record in this case, it appears to the Court that:

1. On December 16, 2011, Defendant pled guilty to Murder in the Second Degree.² On April 8, 2012, he was sentenced to 30 years at Level V with probation to follow.³

2. On April 26, 2023, Defendant filed the instant Motion pursuant to Superior Court Criminal Rule 35(b) ("Rule 35(b)").⁴

3. Repetitive Rule 35(b) motions for reduction of sentence are procedurally barred from consideration.⁵ A Rule 35(b) motion is deemed repetitive "when it is

¹ D.I. 110.

² D.I. 25.

³ D.I. 46.

⁴ D.I. 110.

⁵ Super. Ct. Crim. R. 35(b).

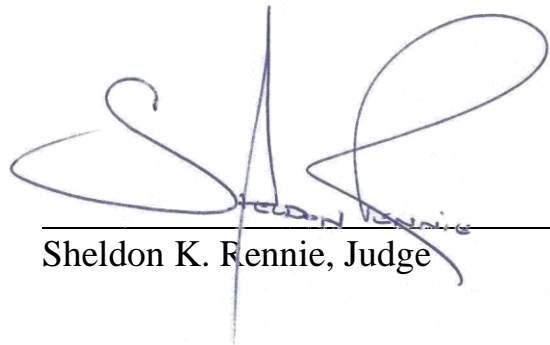
preceded by an earlier Rule 35(b) motion, even if the subsequent motion raises new arguments.”⁶

4. Defendant's instant Motion was preceded by three earlier Rule 35(b) motions.⁷ Therefore, the instant Motion is deemed repetitive and is procedurally barred.

5. In addition, as with Defendant’s previous Rule 35(b) motion, the Court finds that Defendant’s sentence is appropriate for all of the reasons stated at the time of sentencing. No additional information has been provided to the Court which would warrant a reduction or modification of this sentence.

For the reasons stated above, Defendant’s Motion is **SUMMARILY DISMISSED.**

IT IS SO ORDERED.



Sheldon K. Rennie, Judge

Original to Prothonotary

Cc: Kendall M. Smith (SBI# 00619570)

⁶ *State v. Culp*, 152 A.3d 141, 144 (Del. 2016).

⁷ D.I. 48; D.I. 100; D.I. 102, 103.